

REMARKS

This is in response to the Official Action currently outstanding with respect to the above-identified application..

Claims 1-24 were present in this application as of the time of the issuance of the currently outstanding Official Action. Claims 1-15 stand allowed. Claims 16-24 currently stand rejected by the Examiner. By the foregoing Amendment, Applicants have canceled Claims 16-24, without prejudice. Otherwise, no Claims are amended, canceled, added or withdrawn. Accordingly, upon the entry of the foregoing Amendment, Claims 1-15 as hereinabove set forth will constitute the claims under active prosecution in this application.

The claims of this application are reproduced above including appropriate status identifiers and showing the Amendments for which entry is sought as required by the Rules.

More specifically, it is noted that in the currently outstanding Official Action, the Examiner has:

1. Not re-acknowledged Applicants' claim for foreign priority under 35 USC §119(a)-(d), nor reconfirmed that the required certified copies of the priority document have been received by the United States Patent and Trademark Office. – **Applicants respectfully note that the Examiner's acknowledgement and confirmations of these matters appears in the Official Action in this application dated 12 June 2008.**
2. Again objected to the drawings but failed to provide the Applicants with any indication of the basis of that objection – **Applicants suspect that in view of the drawing correction previously submitted, the Examiner intended to approve the drawings but inadvertently did not remove his indication to the contrary from the Summary Sheet from the last Official Action.**

Copies of the of the previously submitted drawing sheet containing Fig. 18 (the only Figure objected to by the Examiner during this prosecution) showing the addition of the legend "PRIOR ART" circled in red and of the replacement sheet of drawing containing the corrected Fig. 18 also as previously filed are attached hereto for the convenience of the Examiner Furthermore, confirmation concerning the acceptability of the drawings in response to this submission is respectfully requested.

3. Previously acknowledged Applicants' Information Disclosure Statements as filed with the present application and on 28 December 2004, 10 February 2005 and 20 December 2005 and confirmed his consideration of the art listed therein.
4. Indicated that Claims 1-15 are allowed.
5. Objected to Claim 16 on the basis that it should be directed to "spherical aberration and focus offset" instead of "spherical aberration focus offset".
6. Rejected Claims 16-24 under 35 USC 103(a) as being unpatentable over the Ichimura et al reference (US Patent No. 6,826,133) in view of Applicant's Admitted Prior Art, Matsubayashi (JP 08-115521) or Yamamoto (JP 2000-285485).
7. Rejected Claims 16-20 and 22-23 under 35 USC §102(e) as being anticipated by Ichimura (US Patent No. 6,826,133)

Further comment in these Remarks regarding items 1-4 above is not considered to be necessary in these Remarks.

Applicants appreciate the Examiner's thorough examination of the subject application. By the foregoing Amendment Applicants have canceled Claims 16-24, without prejudice. Accordingly, the currently outstanding objections and/or rejections against the latter claims are seemed by the Applicant to be moot.

Applicants also respectfully note concerning the Examiner's continuing objection to the drawings that as far as they have been able to determine the Examiner very early on during this prosecution the Examiner objected to Fig. 18 on the basis that it should contain a legend such as "PRIOR ART" because only that which is old is depicted therein. In their response to that Official Action, Applicants submitted a copy of the sheet of drawing containing Fig. 18 whereon the addition of the legend "PRIOR ART" to Fig. 18 was indicated in red. Applicants also submitted a replacement drawing page showing Fig. 18 as amended in accordance with the showing in red on the duplicate of the original Fig. 18 submitted. It was Applicants' belief that these actions (which are reflected in the file history of this application appearing on the United States Patent and Trademark Office webpage) disposed of the Examiner's objection to the drawings, but that objection has continued to appear in subsequent Official Actions without any further explanation. Applicants respectfully submit, therefore, that the presence of these continuing objections to the drawings is indicative of an inadvertent error by the Examiner, and that those objections to the drawings should be withdrawn in view of the foregoing explanation and the attached duplicate pages for the file history of this application.

Accordingly, Applicants again respectfully submit that the present invention should be recognized to have novelty and to be nonobvious over the references currently at issue. Entry of the foregoing Amendment, reconsideration and allowance of this application as hereinabove amended, therefore, are respectfully requested in response to this communication.

Finally, Applicants also believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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